Table of Contents

IAB # IV 2163204

Table of Contents (Volume 2 of 2)

IAB # IV 2163204

SUMMARY (VOLUME 2)

SUBJECT INTERVIEWS (by ICIB and IAB)
Deputy Ryan Lopez

ATTACHMENTS

A - Office Correspondence from Sergeant Hieder to Captain Mannis, dated October 4, 2010, with attached resignation letters for Subjects [redacted]

B - Office Correspondence from Chief Burns to Captain Mannis, dated October 5, 2010, with attached ICIB Supplemental Reports, court documentation and associated Office Correspondence.

MISCELLANEOUS DOCUMENTS

* Admonition Form for Subject Lopez

* Receipt for documents (LASPA)

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE # IV 2163204
VOLUME 2 OF 2

COMPLAINANT: MCJ Inmate [redacted], MH[redacted], BK#[redacted]

SUBJECTS:
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy Ryan Lopez
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]

LOCATION: Men's Central Jail
441 Bauchet Street, Los Angeles California 90012

DATE/TIME OF INCIDENT: Monday, January 3, 2006, 1600 hours

DATE OF DEPARTMENT KNOWLEDGE: January 5, 2006

ALLEGATIONS

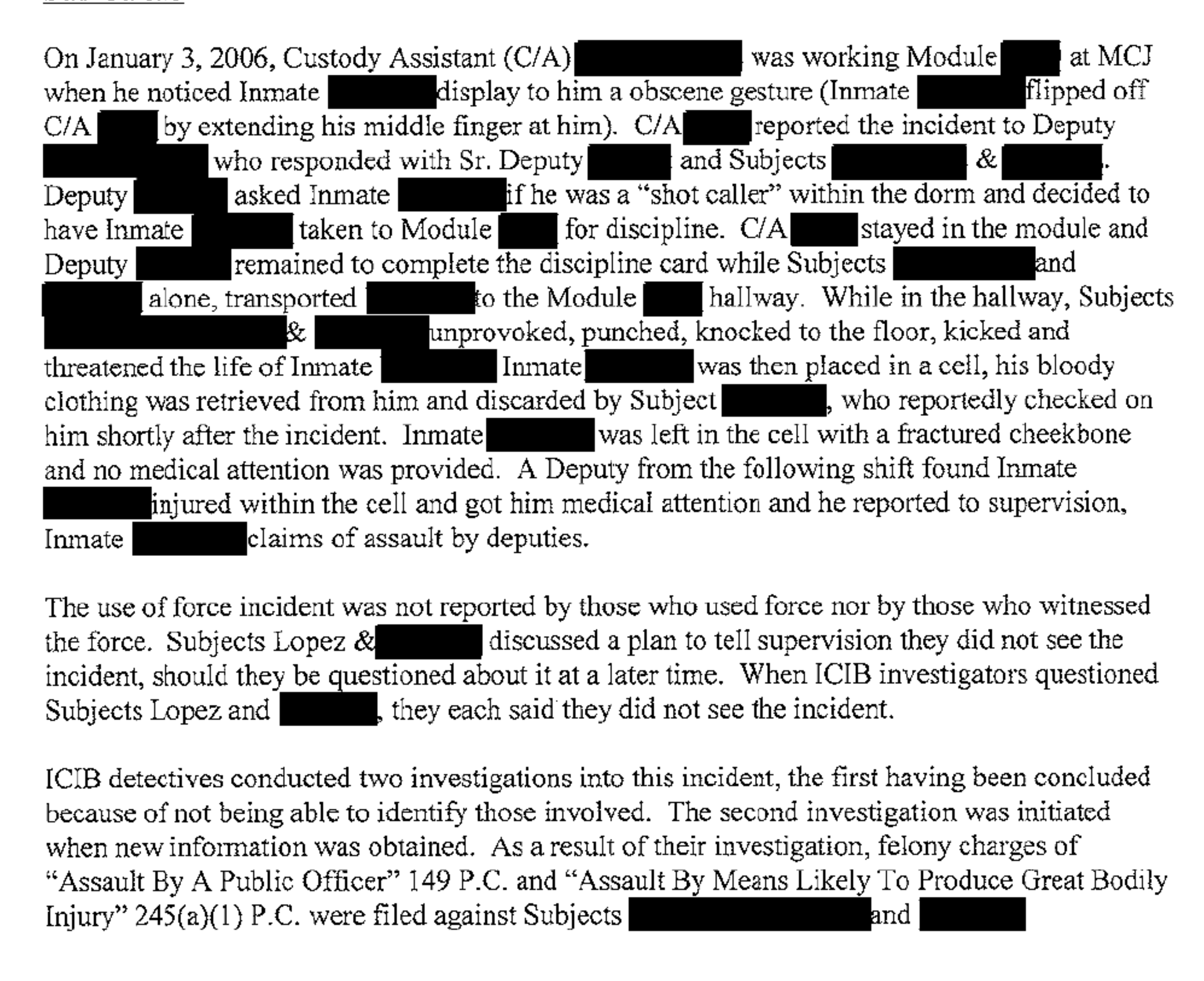
It is alleged Subject Deputies [redacted] assaulted Inmate [redacted] within the hallway of Module 2700 by punching him, knocking him to the ground two times, threatened to kill him, and kicked him repeatedly while on the ground. The use of force caused injuries to his body including a fractured cheekbone. It is alleged they did not report their use of force, nor get medical aid for Inmate [redacted] and that they gave false statements to investigators.

It is alleged Subject Deputy Lopez witnessed the assault but failed to report the use of force, that he failed to get medical aid for Inmate [redacted] that he destroyed physical evidence by throwing Inmate [redacted] bloody T-shirt away, and that he made false statements during the investigation of this incident.

POLICY SECTIONS

1.	Unreasonable Force	MPP 3-01/025.10
2.	Obedience to Laws, Regulations, and Orders	MPP 3-01/030.10
3.	False Statements During Internal Investigation	MPP 3-01/040.75
4.	Safeguarding Persons in Custody	MPP 3-01/040.97
5.	Force Reporting and Review Procedures	MPP 5-09/430.00

SYNOPSIS



On January 3, 2006, Custody Assistant (C/A) [redacted] was working Module [redacted] at MCJ when he noticed Inmate [redacted] display to him a obscene gesture (Inmate [redacted] flipped off C/A [redacted] by extending his middle finger at him). C/A [redacted] reported the incident to Deputy [redacted] who responded with Sr. Deputy [redacted] and Subjects [redacted] & [redacted]. Deputy [redacted] asked Inmate [redacted] if he was a "shot caller" within the dorm and decided to have Inmate [redacted] taken to Module [redacted] for discipline. C/A [redacted] stayed in the module and Deputy [redacted] remained to complete the discipline card while Subjects [redacted] and [redacted] alone, transported [redacted] to the Module [redacted] hallway. While in the hallway, Subjects [redacted] & [redacted] unprovoked, punched, knocked to the floor, kicked and threatened the life of Inmate [redacted] Inmate [redacted] was then placed in a cell, his bloody clothing was retrieved from him and discarded by Subject [redacted], who reportedly checked on him shortly after the incident. Inmate [redacted] was left in the cell with a fractured cheekbone and no medical attention was provided. A Deputy from the following shift found Inmate [redacted] injured within the cell and got him medical attention and he reported to supervision, Inmate [redacted] claims of assault by deputies.

The use of force incident was not reported by those who used force nor by those who witnessed the force. Subjects Lopez & [redacted] discussed a plan to tell supervision they did not see the incident, should they be questioned about it at a later time. When ICIB investigators questioned Subjects Lopez and [redacted], they each said they did not see the incident.

ICIB detectives conducted two investigations into this incident, the first having been concluded because of not being able to identify those involved. The second investigation was initiated when new information was obtained. As a result of their investigation, felony charges of "Assault By A Public Officer" 149 P.C. and "Assault By Means Likely To Produce Great Bodily Injury" 245(a)(1) P.C. were filed against Subjects [redacted] and [redacted]

INVESTIGATION

Due to this investigation being separated into two volumes, the following details pertain to Subjects [redacted] & Lopez. Subject Lopez is included in both Volume 1 and Volume 2 in order to add his IAB interview. The following is an excerpt from Volume 1, followed by updated information from his IAB interview on October 21, 2010.

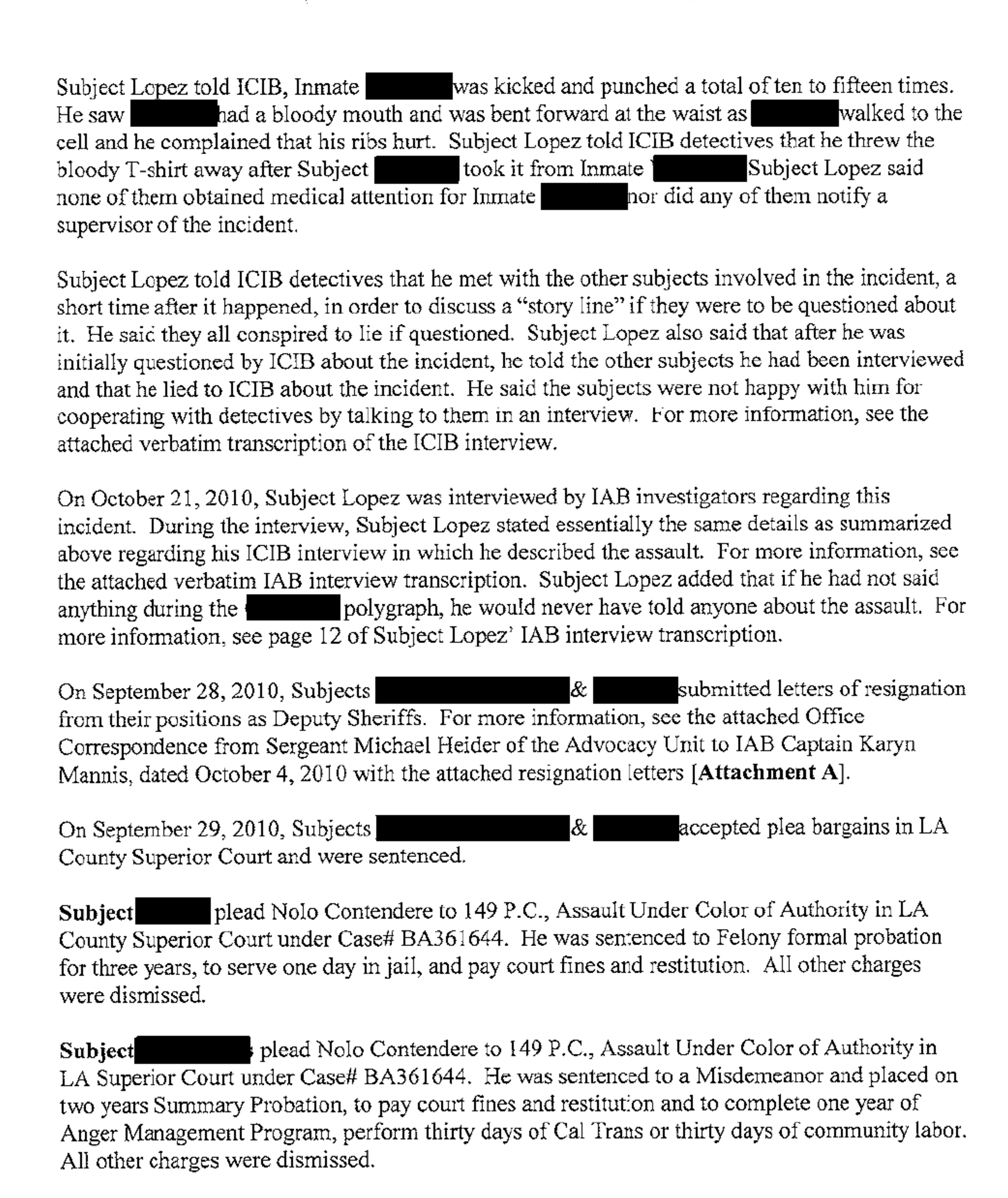
Subject Deputy Ryan Lopez

It is alleged Subject Lopez witnessed the assault but failed to report the use of force, that he failed to get medical aid for Inmate [redacted] that he tampered with physical evidence by throwing Inmate [redacted] bloody T-shirt away, and that he made false statements during the investigation of this incident.

Subject Lopez told ICIB detectives on January 17, 2006, that although he was assigned to work in Module [redacted] on the date of the incident, he was not physically present at the time Inmate [redacted] was brought to the module. He said he was helping with an incoming line of inmates outside of the module and that he did not know who brought Inmate [redacted] to Module [redacted]. Subject Lopez said he remembered seeing Inmate [redacted] bare chested within a cell during a security check and he gave him a blanket. He added that he did not see injuries on Inmate [redacted] nor did [redacted] claim he was injured and he did not ask for medical attention. Subject Lopez said he did not witness any inmate being assaulted by jail employees and no inmates told him an assault occurred in the [redacted] walkway.

On July 31, 2006, Subject Lopez applied for the position of [redacted] and was scheduled for a Polygraph examination, which occurred on August 13, 2006. During the exam Subject Lopez said he witnessed a use of force by deputies against an inmate and when questioned by (ICIB) investigators, he lied in order to cover for his fellow deputies. Subject Lopez told the examiner that he saw fellow deputies slap and kick an inmate while the inmate was on the floor. The ICIB interview of the Polygraph examiner may be found on pages 37A - 37C of the ICIB Investigation Book **[Exhibit A of Volume 1]**. For more information, see the Chino Police Department Pre Employment Polygraph Worksheet (Exhibit K) in the ICIB Investigation Book, **[Exhibit B of Volume 1]**.

On September 15, 2006, ICIB detectives again, contacted Subject Lopez and asked him if his prior statements to ICIB were true. Subject Lopez replied "Yes sir" and he gave a brief account of his recollection of his duties on the date of the incident. ICIB detectives told Subject Lopez they knew he applied to [redacted] and submitted to a Polygraph exam. On page 37D of the ICIB Investigation Book **[Exhibit A]**, they wrote that Subject Lopez lowered his head and stated: "I understand, sir. Uh, I'd just–I'd rather not say the truth to be totally honest with you. And, if it costs me my job, then it costs my job." He added that he wanted to consult with the people he was covering for before telling the truth. Subject Lopez ultimately related what he witnessed and what his actions were regarding the incident on January 3, 2006.



Subject Lopez told ICIB, Inmate [redacted] was kicked and punched a total of ten to fifteen times. He saw [redacted] had a bloody mouth and was bent forward at the waist as [redacted] walked to the cell and he complained that his ribs hurt. Subject Lopez told ICIB detectives that he threw the bloody T-shirt away after Subject [redacted] took it from Inmate [redacted] Subject Lopez said none of them obtained medical attention for Inmate [redacted] nor did any of them notify a supervisor of the incident.

Subject Lopez told ICIB detectives that he met with the other subjects involved in the incident, a short time after it happened, in order to discuss a "story line" if they were to be questioned about it. He said they all conspired to lie if questioned. Subject Lopez also said that after he was initially questioned by ICIB about the incident, he told the other subjects he had been interviewed and that he lied to ICIB about the incident. He said the subjects were not happy with him for cooperating with detectives by talking to them in an interview. For more information, see the attached verbatim transcription of the ICIB interview.

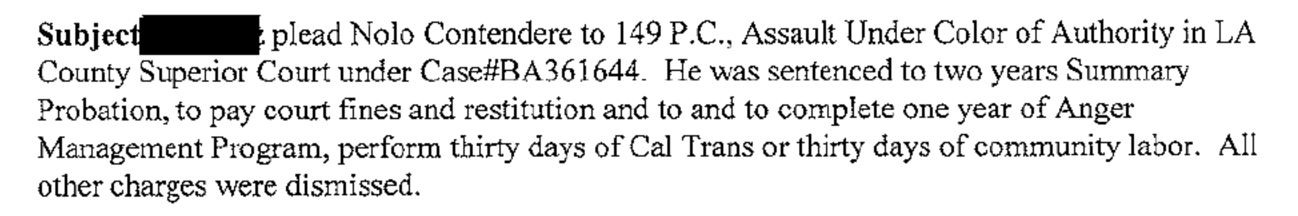
On October 21, 2010, Subject Lopez was interviewed by IAB investigators regarding this incident. During the interview, Subject Lopez stated essentially the same details as summarized above regarding his ICIB interview in which he described the assault. For more information, see the attached verbatim IAB interview transcription. Subject Lopez added that if he had not said anything during the [redacted] polygraph, he would never have told anyone about the assault. For more information, see page 12 of Subject Lopez' IAB interview transcription.

On September 28, 2010, Subjects [redacted] & [redacted] submitted letters of resignation from their positions as Deputy Sheriffs. For more information, see the attached Office Correspondence from Sergeant Michael Heider of the Advocacy Unit to IAB Captain Karyn Mannis, dated October 4, 2010 with the attached resignation letters [**Attachment A**].

On September 29, 2010, Subjects [redacted] & [redacted] accepted plea bargains in LA County Superior Court and were sentenced.

Subject [redacted] plead Nolo Contendere to 149 P.C., Assault Under Color of Authority in LA County Superior Court under Case# BA361644. He was sentenced to Felony formal probation for three years, to serve one day in jail, and pay court fines and restitution. All other charges were dismissed.

Subject [redacted] plead Nolo Contendere to 149 P.C., Assault Under Color of Authority in LA Superior Court under Case# BA361644. He was sentenced to a Misdemeanor and placed on two years Summary Probation, to pay court fines and restitution and to complete one year of Anger Management Program, perform thirty days of Cal Trans or thirty days of community labor. All other charges were dismissed.



Subject [redacted] plead Nolo Contendere to 149 P.C., Assault Under Color of Authority in LA County Superior Court under Case#BA361644. He was sentenced to two years Summary Probation, to pay court fines and restitution and to and to complete one year of Anger Management Program, perform thirty days of Cal Trans or thirty days of community labor. All other charges were dismissed.

For more information, see the Office Correspondence from Chief Dennis Burns of Custody Operations Division to IAB Captain Karyn Mannis, dated October 5, 2010, inactivating this investigation on Subjects [redacted] & [redacted] Also attached are copies of the court documents (ICIB Exhibit T), updated ICIB Supplemental Reports and Disposition Memorandums [**Attachment B**].



Leroy D. Baca, Sheriff

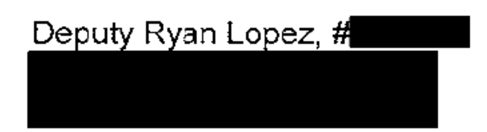
County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 3, 2010



Deputy Ryan Lopez, #[redacted]

Dear Deputy Lopez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business November 29, 2010.

An investigation under File Number IAB 2163204, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/050.10, Performance to Standards, on or about January 3, 2006, you failed to attempt to stop other deputies from using unreasonable force against Inmate [redacted] as evidenced by but not limited to, the following statements made during your second Internal Criminal Investigation Bureau (ICIB) interview:

   - Kunihiro: "Did you make any attempt to tell these deputies to stop or?"
   - Lopez: "I didn't, no. I didn't do anything."

   Thus, you failed to conform to the work standards established for your position as a deputy sheriff.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders *(as it pertains to Custody Operations Division Manual Section 5-03/060.00, Medical Diagnosis and Treatment [ensuring inmates*

receive appropriate medical attention]); and/or 3-01/040.97, Safeguarding Persons in Custody, on or about January 3, 2006, you failed to obtain medical attention for Inmate [redacted] as evidenced by, but not limited to, the following statements made during your second ICIB interview:

- Lopez: "I was an EMT you know, and I just checked him out real quick and he had gotten his ass kicked, but you know, I just, I knew he was going to live. So I just said, 'screw it,' and left the guy in there."

- Lopez: "And you know, checked him out, you know. I felt bad for him. I know he didn't have a blanket. I pretty much just wanted to smooth things over as much as I could. Just so you know, not so much attention would get drawn to this guy. So nothing like this would happen, but about the extent of my smoothing over was giving him a blanket and just telling him, 'Hey, you need to suck it up, because I'm not going to get a nurse to you.'"

- Mathews: "And obviously not get him a nurse because?"

- Lopez: "Because obviously it looks like he got the shit kicked out of him."

3. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it pertains to Manual Section 5-09/430.00, Use of Force Reporting and Review Procedures*), on or about January 3, 2006, and again on or about January 17, 2006, you failed to report the force that you witnessed being used against Inmate [redacted]

4. That in violation of Manual of Policy and Procedures Sections 3-01/040.65, Tampering with Evidence; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it pertains to Manual Section 5-04/100.00, Evidence Handling and/or 5-04/100.05, Preservation of Evidence*), on or about January 3, 2006, you removed and destroyed evidence (Inmate [redacted] bloody shirt), as evidenced by, but not limited to, the

following statements made during your second ICIB interview and during your Internal Affairs Bureau (IAB) interview:

- Mathews: "What made you decide to go get the T-shirt?"
- Lopez: "I didn't want that being used as evidence."
- Mathews: "Okay."
- Lopez: "I didn't want anybody getting in trouble just because that stupid bloody T-shirt was there."
- Denison: "In other words, you got rid of the T-shirt because of its evidence of an assault?"
- Lopez: "Absolutely."
- Denison: "Do you know if that T-shirt was ever recovered by anybody?"
- Lopez: "I don't believe so."

5. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness, on or about January 17, 2006 and again on or about September 15, 2006, you made false and/or misleading statements during your Internal Criminal Investigations Bureau (ICIB) interviews, as evidenced by, but not limited to:

   a) admitting to Sergeant Kunihiro during your second ICIB interview that you lied to him during the first ICIB investigation, and/or;

   b) admitting to Sergeant Mathews that you lied during the first part of your second ICIB interview, and/or;

   c) stating to the polygraph examiner for Chino Police Department that you were involved in an unreported use of force incident while on duty at Men's Central Jail and had lied during your January 17, 2006, ICIB interview into the matter, and/or;

d) the following statements that were made during your IAB interview:

- Denison: "And then the very last line it says, your statement is, 'I lied to your face, Sergeant, I wasn't about to go tell on somebody else.' Is that in reference to the first time that Sergeant Kunihiro talked to you?"
- Lopez: "Yeah."
- Denison: "So what you're referring to is that you lied to his face?"
- Lopez: "Yeah, I was, I was telling him I lied to him."

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Dennis Burns on November 23, 2010, at 0930 hours, in his office, which is located at Twin Towers Correctional Facility, 450 Bauchet Street, Los Angeles, Room E-801. If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 23, 2010, for your oral response, please call Chief Burns' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Burns' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Burns' office by no later than November 23, 2010.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at

(323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Dennis Burns, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2163204)

LOS A[ ]GELES COUNTY DISTRICT ATTO[ ]NEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL	DA CASE NO. 29322903	DATE 12/18/2009
	AGENCY FILE NO. (DR OR URN) 406-00002-2003-441	DA OFFICE CODE J.S.I.D. #06-0742R	VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) [redacted]	PC PC	149 245(A)(1)	01/03/2006 01/03/2006	B B
	DOB [redacted] · SEX (M/F) M · BOOKING NO. · VIP -- Yes X No				
	___ Gang Member Name of Gang				
	___ Victim Gang Member Name of Gang:				
2	NAME (LAST, FIRST MIDDLE)) [redacted]	PC PC	32 135	01/03/2006 01/03/2006	B B
	DOB [redacted] · SEX (M/F) M · BOOKING NO. · VIP -- Yes X No				
	___ Gang Member Name of Gang				
3	NAME (LAST, FIRST MIDDLE)) [redacted]	PC	32	01/03/2006	B
	DOB [redacted] · SEX (M/F) M · BOOKING NO. · VIP -- Yes X No				
	___ Gang Member Name of Gang				

LAST NAME: PICARELLA FIRST NAME: SAL DA CASE NUMBER: 29322903

Comments

Inmate [redacted] alleged he was beat by a group of deputies on January 3, 2006 while in custody at Men's Central Jail. Investigators in the initial investigation did not believe [redacted] even though he had clearly sustained physical injuries while in custody. Investigators learned the truth regarding the incident on or about September 15, 2006. We filed BA361644 against Deputies [redacted], [redacted] and [redacted] for violating Penal Code sections 149 & 245(a)(1). As to suspects 1-4, there is insufficient evidence to prove the charges beyond a reasonable doubt. As to suspect 5, we have offered Ryan Lopez (#5) immunity from prosecution in exchange for truthful testimony in BA361644. Lopez was not involved in the actual assault on [redacted] and provided testimony at an investigative Grand Jury.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
RENEE CARTAYA/ap	[signature]	140674	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): KELLY MATTHEWS FILING OFFICER (SIGNATURE): MAILED 12 28 09 SERIAL #: 00

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral *DISTRICT ATTORNEY'S REASON CODES* M. Probation Violation filed (in lieu of) N. Referred to City Attorney for Misdemeanor Consideration

37X

LOS A[illegible]GELES COUNTY DISTRICT ATT[illegible]NEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL	DA CASE NO. 29322903	DATE 12/18/2009
	AGENCY FILE NO. (DR OR URN) 406-00002-2003-441	DA OFFICE CODE J.S.I.D. #06-0742R	VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CHARGES CODE	SECTION	OFFENSE DATE	REASON CODE
4	NAME (LAST, FIRST MIDDLE)) [redacted]	PC	32	01/03/2006	B
	DOB [redacted] SEX (M/F) M BOOKING NO. VIP -- Yes X No				
	___ Gang Member Name of Gang				
	___ Victim Gang Member Name of Gang:				
5	NAME (LAST, FIRST MIDDLE)) LOPEZ, RYAN	PC PC	32 135	01/03/2006 01/03/2006	G G
	DOB SEX (M/F) M BOOKING NO. VIP -- Yes X No				
	___ Gang Member Name of Gang				
6	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO. VIP -- Yes -- No				
	Gang Member Name of Gang				

Comments

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
RENEE CARTAYA/ap	[signature]	140674	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): KELLY MATTHEWS FILING OFFICER (SIGNATURE): ______ SERIAL #: 00

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral DISTRICT ATTORNEY'S REASON CODES M. Probation Violation filed (in lieu of) N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: QUINTERO FIRST NAME: CHRISTOPHER DA CASE NUMBER: 29322903

374